

REMARKS

Claims 1, 3, 7, 11-27, 29-35, and 45-54 will be pending upon entry of the present amendment. Claims 1, 3, 7, 11, 13, 14, 27, 29, 32 and 45 are amended, and claims 4-6, 8-10, and 28 are cancelled. Claims 53 and 54 are newly submitted herewith. No new matter has been added with the present amendment.

Applicant thanks the Examiner for indicating the allowability of claims 17-26, and of the subject matter of claims 13-16, 31-34, 46, and 47.

New independent claim 53 includes the limitations of claim 14, indicated by the Examiner as including allowable subject matter, and many of the limitation of claim 1 and the intervening claims.

New independent claim 54 includes a limitation from claim 31 that was cited by the Examiner as being allowable, together with many of the limitations of claim 27 and the intervening claims.

Rejections under 35 U.S.C. §§ 102, 103

Claims 1 and 3-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Onion (U.S. 6,378,214 hereafter *Onion* '214) in view of Onion (U.S. 6,427,334 hereafter *Onion* '334); and claims 8-12, 27-35, 45, and 48-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Onion '214 in view of Polevoy et al (U.S. 6,685,379, hereafter *Polevoy*).

In the discussion that follows, when a specific passage of a U.S. patent is cited, it will be indicated by a column number separated from a line number by a colon, e.g., 4:22, indicating column 4, line 22.

Claim 1 has been amended to incorporate features similar to many of the features of claims 4-6 and 8-10, as well as additional limitations. As currently presented, claim 1 recites, in part, "a slot in the blade, the slot including a narrow region and an wide region; a post having ... a neck portion ... positioned in the narrow region of the slot for sliding movement along the blade ... between a first position ... and a second position a retaining element positioned in the wide region of the slot to prevent movement of the post into the wide region of the slot while permitting movement of the post between the first and second positions" A combination of

Onion'214, Onion '334, and Polevoy fails to teach or suggest these limitations of claim 1. In particular, there is no teaching of "a retaining element positioned in the wide portion to prevent movement of the post into the wide region of the slot while permitting movement of the post between the first and second positions," as recited in claim 1. Neither of Onion '214 nor Onion '334 teaches or suggests a slot having a wide region, or a retaining element positioned in the wide region, so both of these teachings must come from Polevoy. However, Polevoy teaches a plug configured "such that it physically interferes with the movement of the standoff rivet from its position at the closed end of the narrowed portion of the keyhole slot." (*Polevoy*, 2:41-44.) Polevoy also emphasizes "[a]s a further important dimension, [that] the overall width of the plug 24 must, of course, be sufficient so its arcuate exterior surface 30 contact or be located adjacent the standoff rivet 22 and the opposed exterior surface 38 bears against the internal edge of the enlarged portion 16 of the keyhole slot 14 *to aid in blocking the movement between the structural members 10, 12.*" (*Id.*, 4:44-52, emphasis added.) Thus, in addition to simply preventing the standoff rivet from entering the enlarged portion of the keyhole slot, Polevoy stresses the importance of preventing relative movement of its structural members, by sizing the plug to block any movement of the standoff rivet (see also *id.*, at 4:15-30). One of ordinary skill will recognize that by locking Polevoy's standoff rivet in its position at the end of the narrowed portion of the keyhole slot, the stability of its structure is enhanced. This understanding is clear from its teachings that the plug provides "a solid barrier ... to prevent the relative movement between the two structural members and therefore secures the structural members together in a fixed, locked relationship." (*Id.*, 2:50-57.) Thus, Polevoy teaches away from permitting any movement of the standoff rivet within the slot.

Furthermore, the function of the retaining element recited in claim 1 is different from that of Polevoy's plug, at least to the extent that Polevoy's plug functions to "prevent the relative movement between the two structural members and [secure] the structural members together in a fixed, locked relationship," while the retaining element of claim 1 functions to "prevent movement of the post into the wide region of the slot *while permitting movement of the post between the first and second positions.*" The KSR court notes that, "a court [or Examiner] must ask whether the improvement is more than the predictable use of prior art elements

according to their established functions. The predictable use of Polevoy's plug is to lock two structural members together in a fixed, locked relationship. Without the present application as a template, there is no teaching or suggestion to provide a retaining element as claimed. Accordingly, Polevoy, Onion '214, and Onion '334, individually or in combination, fail to teach or suggest all the limitations of claim 1, which is therefore allowable.

Claim 27 recites, in part, "a retaining element positioned in the slot to prevent movement of the neck from the narrow portion of the slot to the wide portion of the slot, while permitting sliding movement of the neck within the narrow portion of the slot." A combination of Onion '214 and Polevoy fails to teach or suggest this limitation of claim 27. Onion '214 is silent regarding a wide portion of the slot, as well as with regard to a retaining element. Polevoy teaches a plug positioned in an enlarged portion of its slot, configured to prevent any relative movement, but to maintain its structural members in a fixed, locked relationship. Accordingly, Polevoy cannot provide the missing teaching of claim 27, which is therefore allowable thereover.

Claim 45 recites, in part, "a locking element positioned within the slot and slidable therein while the retaining element is positioned within the second end of the slot, the retaining element preventing the locking element from sliding into the second end of the slot.

." A combination of Onion and Polevoy fails to teach or suggest this limitation of claim 45. Onion is silent regarding a retaining element, and Polevoy's standoff rivet is not slidable within its slot while the plug element is positioned therein, but is instead held by the plug in a fixed, locked relationship with the other structural member. Accordingly, the proposed combination fails to teach or suggest the limitations of claim 45, which is therefore allowable.

Overall, the cited references do not singly, or in any motivated combination, teach or suggest the claimed features of the embodiments recited in independent claims 1, 17, 27, 45, 53, or 54, and thus such claims are allowable. Applicant's decision not to argue the allowability of each of the dependent claims is not to be construed as an admission that such claims would not be allowable but for their dependence on allowable base claims, and Applicant reserves the right to present such arguments as may become necessary in the future. If the undersigned representative has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

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In light of the above amendments and remarks, Applicant respectfully submits that all pending claims are allowable, and therefore requests that the Examiner reconsider this application and timely allow all pending claims. Examiner Landrum is encouraged to contact Mr. Bennett by telephone at (206) 694-4848 to discuss the above and any other distinctions between the claims and the applied references, and to address any informalities that may remain unresolved.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
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